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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,757	12/11/2000	Yukinori Yamamoto	35.C14984	2833
5514	7590	02/25/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			BOCCIO, VINCENT F	
		ART UNIT		PAPER NUMBER
		2616		

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/732,757	YAMAMOTO, YUKINORI	
	Examiner Vincent F. Boccio	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 14 is/are allowed.
- 6) Claim(s) 1-3 and 5-13 is/are rejected.
- 7) Claim(s) 4 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Harold-Barry (US 5,995,462).

Regarding claim 1, Harold in Fig. 3, discloses and meets the limitations associated with a reproducing apparatus comprising:

- reproducing means (Fig. 3, "32"), for reproducing from a record media a plurality of image data (see CD-Video, col. 12) which has been recorded in a plurality of independent areas on the media and specified so as to be reproduced in a predetermined order (such as, sequentially);
- a memory for storing image data and controller (35, 33);
- mode setting means for switching on a basis of position of the plural areas on the media,
- first mode writing order to the memory having being different order from the predetermined sequential order, but reading in a predetermined sequential order from the memory; and
- a second mode, wherein reading and writing is accomplished to and from the memory in a sequential order.

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Cols. 3-4, discloses upon a shock, stopping writing to memory the sequential data, creating a gap thereafter, picking back up sequentially reading and writing in the memory, after the gap, data to be written with sequential data from the disc even though the data is not read from the disc sequentially, when recovering from a shock, thereafter, altering the sequential reading again, from the disc to the memory to fill the gap, which was stopped in view of the shock, while reading from the memory and outputting as recorded sequentially even thou not read and written in the same sequential manner, wherein reading from the disc to the memory and reading from the memory are both sequential, with no shock, also reference col. 6, col. 8 and Figs. 1-3 etc.....

Regarding claim 6, since Harold performs the mode switching based on shock and further reads from the disc to the memory in a non-sequentially, but, ideally will read from the memory in the proper order, inherently will discriminate whether the image data can be continuously read out from the memory in the predetermined order with respect to Fig. 2, wherein when the shock period is continuous for a period, longer than the memory can handle, the outcome would include, not presenting sequential data sequentially as prescribed, at least not sequentially provided video with respect to the frame rate of the video, when exposed to shock, causing the switching between modes to recover if possible based on how long substantially continuous, shock being periodic in time where the system cannot recover, as is inherent to all systems, as such, as is considered deemed met by inherent functionality of the shock compensated system with a shock memory and control responsive thereto, as understood.

Claims 7-10, 12 are deemed analyzed and discussed with respect to the claims above, wherein the data does have program data to go by or would never be able to relocate data not in the memory to read from the disc to the memory non-sequentially, wherein the predetermined order is deemed specified by the program data in order to perform the recovery of data non-sequentially from the media, wherein the program data is from the medium, wherein the memory does act inv view of a shock, therefore, a shockproof memory, by compensating in view thereof.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 2-3, 5, 11, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harold-Barry (US 5,995,462).

Regarding claims 2-3, Harold fails to disclose a TOC dictating an order of reproduction, wherein the switching and reading in and out of the memory is based on the TOC.

The examiner takes official notice that TOC dictating an order is well known, therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Harold by providing a TOC dictating a reproduction order, in the form of a play list/sequence, dictating sequentially reproduction information, further this list allows for manipulation {virtual edit of a sequence}, if desired by a user, as is well known to those skilled in the art.

Regarding claim 5, Harold fails to disclose wherein the switching of modes is further based on an amount of image data which can be stored in the memory

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The examiner takes official notice that controlling halting of reading from the disc and picking up reading again thereafter based on the memory full-ness is well known, therefore, it would have been obvious to switch modes based on buffer full-ness, as is obvious to those skilled in the art.

Regarding claims 11 & 13, Harold mentions, CD-Video, normally MPEG 1, and DVD, normally MPEG 2, but, fails to particularly anticipate MPEG and CAV.

The examiner takes official notice, that MPEG is well known, compression standard for video and audio, CAV, constant Angular Velocity, with respect to disc/disk/CD/DVD, type of rotation scheme are well known and obvious design choice details to those skilled in the art, that video can be compressed to MPEG, wherein reading and writing can be accomplished in a CAV manner, as well as the alternative CLV, as these recited features are determined to be obvious design choice features to those skilled in the art, deemed obvious to conform to, as is obvious to those skilled in the art.

#### ***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

Claim 14 is allowed.

Regarding claim 14, the prior art of record fails to teach, disclose or fairly suggest the combination as claimed, associated with a reproduction apparatus comprising:

- reproducing means for reproducing a plurality of image data which has been recorded in a plurality of independent areas on a disk medium and specified to be reproduced in a predetermined order, from the medium using the pickup mechanism;
- a memory for storing image data;
- memory control for reading out from the memory in a predetermined order;
- control means for controlling whether the image data recorded in the plurality of areas is

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reproduced in order different from the predetermined order and writing in the memory or not;

- on the basis of:

- position information of positions of the plurality of image areas;
- a capacity of the memory; and
- a seeking time between the plurality of areas by the pickup mechanism.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 4, in combination with claim 1, the prior art fails to teach, disclose or fairly suggest the combination including,

○ wherein the reproduction means has a pickup mechanism for seeking wherein the mode setting means switches the first and second modes further based on the positions of the plurality of areas and a seeking time between the plurality of areas by the pickup mechanism.

**Contact Fax Information**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F. Boccio (703) 306-3022.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vincent  
2/22/05



VINCENT BOCCIO  
PRIMARY EXAMINER